

REMARKS

Action Summary – Correction

The Examiner provided that “[c]laims 9–19 are withdrawn.” Applicants note that claims 9 to 18 were previously withdrawn, but claim 19 is still pending in this case.

In the Claims

Upon entry of the foregoing amendment, claims 1, 2, 5 to 8, and 19 are currently pending. Claims 3 and 4 were previously cancelled, and claims 9 to 18 were previously withdrawn. Applicants submit that any rejections or objections directed to the cancelled or withdrawn claims are thereby rendered moot.

Restriction/Election

Applicants confirm the Examiner’s indication of a telephonic election to claims 1 to 8, and 19. Applicants restate the request for rejoinder of the appropriate withdrawn claims once the above claims are found allowable.

Claim Rejections – 35 USC § 103

Claims 1 to 8 and 19 were rejected as being unpatentable in view of Jones et al. (WO02/085860), for the reasons set forth on pages 2–3 of the May 31, 2006 Office Action. Applicants respectfully assert that this rejection is improper and request withdrawal of the rejection in light of the following arguments.

The Jones ‘860 publication is available as § 103(a) prior art only under § 102(e). However, as noted by the Examiner, the subject matter of the Jones ‘860 publication and the instantly claimed invention were, at the time the claimed invention was made, commonly owned by the same person (Pfizer). Thus, under 35 USC § 103(c), the Jones ‘860 publication is disqualified as 103(a) prior art, and Applicants respectfully request that the rejection be withdrawn.

Objections to claims Under 37 CFR §1.75

Claims 5 to 8 were objected to as being substantial duplicate claims. Applicants have amended claims 5 to 8 to clarify the scope of the claims. No new matter is added in these amendments. Applicants respectfully submit that amended claims 5 to 8 are not duplicative claims and request withdrawal of the objection to these claims.

Provisional Obviousness-Type Double Patenting Rejection

The Examiner provisionally rejected claims 1, 2 and 19 (along with their relevant dependent claims) over copending application USSN 10/118,512, which, along with the present application, is commonly owned by the same entity (Pfizer). Applicants respectfully request the Examiner hold the

rejection in abeyance until the current case is found allowable. Applicants will submit a terminal disclaimer to overcome the rejection at that time.

Conclusion

Based on the above amendments and arguments, Applicants believe the instant application is in condition for allowance. Early notice of such allowance of the claims is requested.

Please charge any fees that are due in connection with the filing of this response, including any other fee for a required extension of time under 37 CFR 1.136(a), for which Applicants hereby petition, to deposit account 500329.

Respectfully submitted,

Date: August 31, 2006

/Keith D. Hutchinson/

Keith D. Hutchinson
Attorney For Applicants
Registration No. 43,687

Pfizer Inc.
Patent Department
10555 Science Center Drive
San Diego, California 92121
Phone: (858) 526-4608
Fax: (858) 678-8233